

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ALMONDNET, INC.,

Plaintiff, Counterclaim Defendant

V.

MICROSOFT CORP.,

Defendant, Counterclaimant.

Case No. 3:10-CV-298-BBC

**MICROSOFT'S MOTION FOR SUMMARY JUDGMENT
OF NON-INFRINGEMENT AND INVALIDITY**

Pursuant to Federal Rule of Civil Procedure 56, Defendant and Counterclaimant Microsoft Corporation (“Microsoft”) respectfully moves this Court to enter summary judgment of non-infringement of all asserted claims of U.S. Patent Nos. 6,973,436 (“the ’436 patent”); 7,072,853 (“the ’853 patent”); 7,454,364 (“the ’364 patent”); 7,822,637 (“the ’637 patent”), for the reasons set forth in Microsoft’s Memorandum in Support of Motion for Summary Judgment of Non-Infringement and Invalidity.

In the alternative, Microsoft respectfully requests that the Court enter summary judgment of non-infringement of all asserted claims that do require forming bid combinations prior to a visitor's visit; and enter summary judgment of invalidity of any asserted claims *do not* require forming bid combinations prior to a visitor's visit, for failure to comply with 35 U.S.C. § 112(1).

August 5, 2011

Respectfully submitted,

/s/ Bryan K. Anderson

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